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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,334	12/11/2001	Jerzy W. Miernik	062891.0661	2973

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EXAMINER

NGUYEN, HUY D

ART UNIT PAPER NUMBER

2681

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,334

Applicant(s)

MIERNIK, JERZY W.

Examiner

Huy D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 61 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 16-24, 26-33, 37-38, 41-43, 47-48, 51-60 is/are rejected.
- 7) ☒ Claim(s) 5,15,25,34-36,39,40,44-46,49 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-7, 9-14, 16-17, 19-24, 26-27, 29-33, 38, 41-43, 48, 51-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Purnadi et al. (U.S. Patent Application Publication No. US 2002/0068565 A1).

Regarding claims 1, 11, 21, 31, 41, 51-52, 56-57, Purnadi et al. teaches a method for selecting a wireless serving node, comprising: receiving a wireless registration request at a wireless serving node; determining whether the serving node is managing a wireless session associated with the registration request; generating a wireless session inquiry for a group of associated wireless serving nodes if the serving node is not managing a wireless session associated with the registration request; receiving a wireless session response containing a serving node identifier; and generating a wireless registration response containing the serving node identifier (paragraphs 0057-0064).

Regarding claims 2-3, 12-13, 22-23, Purnadi et al. teaches method of Claim 1, further comprising: determining whether the registration request is associated with an active wireless

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Regarding claims 4, 14, 24, 54, 59, Purnadi et al. teaches method of Claim 1, further comprising:
generating a wireless registration response indicating acceptance of the registration request if the serving node is managing a wireless session associated with the registration request (paragraph 0058).

Regarding claims 6, 16, 26, 33, 43, 53, 58, Purnadi et al. teaches method of Claim 1, wherein the wireless registration request comprises an All-Registration Request (paragraph 0059).

Regarding claims 7, 17, 27, 38, 48, it is inherent that to determine whether the serving node is managing a wireless session associated with the registration request, the serving node has to check to see if the wireless session associated with the registration request exists in its database.

Regarding claims 9, 19, 29, Purnadi et al. teaches method of Claim 1, wherein the wireless session inquiry comprises an International Mobile Subscriber Identifier and an Access Network Identifier (paragraph 0038).

Regarding claims 10, 20, 30, 55, 60, Purnadi et al. teaches method of Claim 1, wherein the registration response containing the serving node identifier comprises a wireless registration response indicating denial of the registration request (paragraph 0064).

Regarding claims 32, 42, Purnadi et al. teaches method of Claim 31, further comprising:
receiving a wireless registration request associated with the session response; and generating a wireless registration response indicating acceptance of the registration request (paragraph 0064).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 18, 28, 37, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purnadi et al. (U.S. Patent Application Publication No. US 2002/0068565 A1).

Regarding claims 8, 18, 28, 37, 47, Purnadi et al. does not teach that at least one of the wireless session inquiry and the wireless session response comprise a multicast message.

However, it would have been obvious to one of ordinary skill in the art to use multicast instead of multiple unicast since using multicast is more efficiently than sending the same material in separate bursts to each user as used in multiple unicast.

Allowable Subject Matter

5. Claims 5, 15, 25, 39-40, 49-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 5, 15, 25, 39-40, 49-50, the cited prior arts fail to teach the method of claim 1, further comprising: determining the time elapsed since generating the wireless session inquiry; and initiating the establishment of a wireless session if a predetermined amount of time has elapsed.

Claims 34-36, 44-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 34-36, 44-46, the cited prior arts fail to teach the method of Claim 31, further comprising: determining whether the serving node is associated with the network from which the session inquiry originated; and generating a wireless session response containing an Identifier for the serving node only if the serving node is associated with the network from which the session inquiry originated.

Claim 61 is allowed. The following is an examiner's statement of reasons for allowance: Regarding claim 61, the cited prior arts fail to teach: determining the time elapsed since generating the wireless session inquiry; and initiating the establishment of a wireless session if a predetermined amount of time has elapsed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sakai (U.S. Patent Application Publication No. US 2002/0177438 A1) teaches method of registering services in mobile-communication system.

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- Madour et al. (U.S. Patent Application Publication No. US 2002/0114293 A1)
teaches mobile IP mobility management at dormant hand-over in CDMA IP based
cellular packet-data network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

(H)
07/26/04


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